

## **Guidelines For Submitting Applications For National Marine Sanctuary Permits And Authorizations**

### **I. INTRODUCTION**

The National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*) directs the Secretary of Commerce to designate and manage areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The National Marine Sanctuary Program (NMSP) has issued regulations to implement this act (15 CFR Part 922). These regulations exist to safeguard resources within sanctuary boundaries and include prohibitions on the conduct of some activities. Program regulations outline the procedure and criteria under which the NMSP will issue permits to allow certain activities beneficial to sanctuaries that would otherwise be prohibited. These guidelines describe the requirements and process by which an applicant may apply for a permit under this authority.

NMSP permits are typically issued by sanctuary superintendents. The type of activities that qualify for a permit vary from sanctuary to sanctuary, but in general include research on sanctuary natural and cultural resources, educational activities, and activities that further sanctuary management objectives. A list of the permit types specific to each sanctuary can be found in Appendix A and in NMSP regulations.

In addition to permits, in certain sanctuaries a superintendent can authorize an activity that is permitted by a valid lease, permit, license, approval or other authorization issued by any federal, state, or local authority of competent jurisdiction. Such authorizations may be only be issued by Florida Keys, Flower Garden Banks, Monterey Bay, Stellwagen Bank, Olympic Coast, and Thunder Bay national marine sanctuaries. Since the general process and requirements governing the handling of authorizations and permits are very similar, in these guidelines the term “permit” applies to both permits and authorizations. When there is a difference in the requirements or process between permits and authorizations, this distinction is noted.

Anyone conducting prohibited activities without a valid national marine sanctuary permit may be subject to the penalties as provided under Section 307 of the National Marine Sanctuaries Act.

### **II. GENERAL GUIDANCE**

Permit applications should include the required information listed below, in sufficient detail that an educated non-specialist can understand exactly what is proposed. If a relevant proposal for a funding application, work plan, formal agreement, or similar document already exists, then elements of this original proposal can be used to satisfy NMSP application requirements, and can be referenced and attached to the application. The amount and depth of information to be given on an application depends primarily on the complexity of the proposed activity.

A form has been provided to assist an applicant in submitting the required information (Appendix B). Note that more or less information may be required for certain permit types.

### III. APPLICATIONS

Applications for sanctuary permits shall include the following information:

#### A. **Applicant and Project Information**

1. **Project title**
2. **Sanctuary** – Note the sanctuary(s) in which the activity is proposed to occur.
3. **Applicant information** – Provide name, title, address, telephone number, fax number, email address, and institutional affiliation of the primary applicant/principal investigator and any co-applicants. In addition, list the name and affiliation of any additional colleagues authorized to do work under the permit.
4. **Project abstract** – Abstract of approximately 250 words summarizing the project including objectives, methods, and project significance. The abstract shall be suitable for use in the public press.
5. **Project rationale** – Describe the issue to be investigated and its importance and relevance to the sanctuary. Provide relevant background information that clarifies the need for the project and why it is valuable and/or necessary for this activity to be conducted in the sanctuary.
6. **Objectives** – Describe the specific objectives of the proposed project. Where appropriate, the objectives should be stated as specific hypotheses to be tested.
7. **Intended use of results** – Describe how the products/outcomes will be used, including any anticipated commercial use.

#### B. **Methods** – Describe how the proposed methods and analytical techniques will achieve the activity objectives. This description should include the following, as applicable:

1. **Proposed location of activity** – Clearly describe the study area in terms of sanctuary name(s), geographic location(s), and place names. Unless it is necessary for the activity to take place throughout the sanctuary, provide the geographic coordinates of the proposed location in decimal degrees or degrees, minutes, seconds. Explain whether coordinates notate sampling point(s), boundary points, or a central point and associated radius. Indicate whether the work will take place in any sanctuary marine zones (see section G).
2. **Procedures** – Describe the proposed activity design that addresses the stated objectives and hypotheses. Explain the methods and protocols to be employed in the field. Include descriptions and diagrams of any instrumentation or equipment to be

- used and deployment duration. Describe all phases of activity, including equipment removal. Include activity frequency (e.g., daily, monthly) as appropriate.
3. **Collections** – If applicable, describe the type, size, and quantity of specimens or materials to be collected, sampled, or captured. Include collection methods, handling, frequency, and replicates required for each experiment. If aware that specimens of the proposed types already exist in a repository, explain why additional collecting is necessary. Provide scientific nomenclature where possible. Provide information on all other applicable federal or state permits where required.
  4. **Schedule** – Provide a schedule that includes start of project, approximate dates or seasons of fieldwork, analysis, reporting, and completion dates. Include the requested start and stop dates for the permit.
  5. **Budget** – Briefly outline the expenses associated with this project and identify your expected funding source(s). Provide contract number, performance period, and name of sponsoring agency, as applicable.
- C. **Products** – With limited exemptions, all information resulting from activities conducted under a national marine sanctuary permit must be made available to the public.
1. **Publications and reports** – Describe the expected publications or reports that will be generated as part of this study.
  2. **Collections** – Describe the proposed disposition of collected specimens or materials. If you propose that the NMSP lend the specimens or samples to a non-NMSP institution for long-term storage, identify that institution and give a brief justification for this proposal.
  3. **Data and other materials** – Describe any other products to be generated as part of the project, such as photographs, maps, models, handouts, exhibits, software presentations, raw data, GIS coverages, or videos, and the proposed disposition of these materials. If data are to be collected from the public as part of this study, provide a copy of the data collection instrument (survey, questionnaire, interview protocol, etc.).
- D. **Literature Cited** – Include full bibliographic citations for any reports and publications used in the text of the application.
- E. **Qualifications** – Provide a background summary or curriculum vitae for the primary applicant/principal investigator and any co-applicant. Identify their training and qualifications relevant to the proposed project and their ability to conduct field activities in the environment of the proposed activity area. Describe previous research and other permitted activities in national marine sanctuaries, including any sanctuary permits previously issued.

- F. **Environmental Impacts** – Discuss the environmental consequences of conducting the proposed activity and indicate whether the activity could be conducted outside the sanctuary and still accomplish the project's objectives. Specify the direct and indirect environmental impacts of the activity and explain how the benefits of the research will outweigh the disadvantages or environmental consequences in both the short and long term.
- G. **Supporting Documentation And Special Concerns** – Provide information on the following topics where applicable. Attach copies of any supporting documentation that will facilitate processing your application, such as other required federal and state permits, copies of peer reviews, letters of support and funding commitments, and certifications.
1. **Coordination with other research** – NMSP encourages research coordination and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of effort. Applicants should include a description of these efforts, where applicable. Cite similar or supporting past or present research results.
  2. **Copies of other permits** -- Include, if applicable, copies of other federal, state and/or local permits issued with regards to this permit request.
  3. **Requests for NMSP assistance** – NMSP has limited on-site sanctuary personnel, facilities and equipment that may be used to support permitted activities under special circumstances. Requests for support should accompany the permit application and include details on the support requested, justification, dates and length required, and alternate plans if NMSP support is not available.
  4. **Activities in marine zones** – Some sanctuaries have established marine zones to more fully protect habitats, restore the ecological integrity of these areas, or deconflict certain activities. Examples of these zones include Sanctuary Preservation Areas in Florida Keys NMS and marine reserves in Channel Islands NMS. For any activity or portion of activity proposed to take place in marine zones, describe why it is necessary to conduct this activity in a particular zone and how it will further the understanding and/or management of the zone or sanctuary.

#### IV. SUBMISSION OF PERMIT REQUESTS

The completed permit application should be sent to the appropriate sanctuary contact listed in Appendix C. Permit applications must be submitted at least thirty (30) calendar days in advance of the requested effective date to allow sufficient time for evaluation and processing. Sensitive or complicated requests, requests for collection of sensitive species, or requests for sanctuary support should be submitted at least ninety (90) calendar days in advance. In order to expedite processing, applicants are encouraged to contact the appropriate sanctuary in advance of

submitting a formal application to discuss any questions or issues they feel may complicate or delay the application process. **Note: applications not received within the time frames specified above may not be processed before the requested effective date.**

## V. EVALUATION OF PERMIT REQUESTS

Permit applications are generally processed by the sanctuary in the order received and will first be reviewed for completeness and adherence to these guidelines. Applicants will be contacted for clarification or if applications are incomplete within twenty (20) calendar days of receipt of the application. If a sanctuary requests such additional information or clarification, and no response has been received from the applicant within ninety (90) calendar days, the application will be deemed withdrawn, no further action will be taken on the application by the sanctuary, and any application for this activity will have to be resubmitted by the applicant as a new request.

Complete applications are reviewed by NMSP program officials, on-site sanctuary personnel, and, when deemed necessary, peer-reviewed by outside experts. Based on the reviews of the application, NMSP will approve or deny the permit. If approved, the sanctuary superintendent will issue the permit. If denied, applicants are notified of the reason(s) for denial and informed of the appeal process.

## VI. PERMIT AMENDMENTS

Once a permit or authorization has been issued, changes can be made in the form of an amendment. Requests for amendments (e.g., requests to change the activity location or to extend the expiration date) must conform to these guidelines. Persons desiring to continue permitted activities in the sanctuary must reapply for an extension of the current permit at least thirty (30) calendar days before it expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and all cruise logs and project summaries pertinent to the original permit have been submitted to and approved by on-site sanctuary personnel. **Note: requests for amendments not received within the time frame specified above may not be processed before the requested effective date. In addition, expired permits cannot be amended.**

## VII. PERMIT REPORTS

Most permits will require the permittee to submit certain reports documenting activities conducted under the permit. Depending on the permit type and proposed activity, such reports may include (but are not limited to) interim and final activity reports, cruise and flight logs, catch logs, and sample/collection logs. For most permits, these reports will generally be 1-2 pages in length, although complex activities may call for more extensive documentation. Information required to be included in these reports will vary according to the specific activity being permitted, but will generally include a brief summary of activities undertaken, activity dates and locations, any results or findings, appropriate charts or photos, details regarding samples and

collections made, publications resulting from permitted activities, and any deviations from the proposed or permitted activities. Specific requirements for reports for permits involving archeological research are included in Appendix I.

## **VIII. SPECIAL SITUATIONS**

Although the information required here applies to most permit situations, certain types of activities require more or less application information and may involve a different review and/or approval process. Please see the relevant appendix if the proposed activity involves one of the following situations:

- A. Overflight of aircraft in the Channel Islands, Gulf of the Farallones, Monterey Bay, or Olympic Coast national marine sanctuaries (Appendix D)
- B. Fireworks or pyrotechnics displays in Monterey Bay National Marine Sanctuary (Appendix E)
- C. Construction, including coastal armoring or hardening, in Monterey Bay National Marine Sanctuary (Appendix F)
- D. Baitfish permits in the Florida Keys National Marine Sanctuary (Appendix G)
- E. Special Use Permits (Appendix H)
- F. Activities involving sanctuary historical resources, including submerged cultural resources, maritime heritage resources, and submerged archaeological resources (Appendix I)

## **IX. REPORTING BURDEN**

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to NMSP regulations (15 CFR part 922). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any possible detrimental environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the NMSP is able to use permitting as one of the management tools to protect sanctuary resources and qualities.

Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated to average one (1) hour per response (e.g., initial application, cruise log, final report) except for the following permit types:

- A. Twenty-four (24) hours per response for special use permits;
- B. Thirteen (13) hours per response for activities involving sanctuary historical resources;
- C. Thirty (30) minutes per response for baitfish permit;
- D. Fifteen (15) minutes per response for amendments to permits;
- E. Thirty (30) minutes per response for certification requests;
- F. Fifteen (15) minutes per response for voluntary registration; and
- G. Ninety (90) minutes per response for appeals of permit decisions.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Permit Coordinator, NOAA National Marine Sanctuary Program, 1305 East-West Highway (N/ORM6), 11th Floor, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

## APPENDIX A SANCTUARY PERMIT TYPES

The following matrix summarizes the types of permits available in individual national marine sanctuaries and is provided as a general overview only. This list is in accordance with current regulations and is subject to change. Applicants should consult current sanctuary regulations (15 CFR Part 922), or contact the appropriate sanctuary, for the most current information on available permit types.

Permit Types	Monitor	Channel Islands	Gulf of the Farallones	Gray's Reef	Fagat de Bay	Cordell Bank	Flower Garden Banks	Monterey Bay	Stedwigen Bank	Olympic Coast	Florida Keys
Research related to sanctuary resources	X	X	X	X	X	X	X	X	X	X	X
Special use permit	X	X	X	X	X	X	X	X	X	X	X
Further the sanctuary educational value		X	X	X	X	X	X	X	X	X	X
Further sanctuary management						X	X	X	X	X	X
Further the sanctuary natural resource value							X	X	X	X	X
Authorization (note 1)							X	X	X	X	X
Conduct general salvage & recovery operations		X	X	X	X						
Salvage & recovery connected with a recent air or marine casualty	X					X	X	X	X	X	X
Salvage & recovery operations of a state-owned abandoned shipwreck								X		X	
Survey/inventory of historical resources											X
Research/recovery of historical resources											X
Deaccession/transfer of historical resources											X
Removal of jade								X			
Promote the welfare of Indian tribe adjacent to the sanctuary										X	
Otherwise further sanctuary purposes											X

Note 1 - Some sanctuaries can allow activities otherwise prohibited if the activity is authorized by a valid federal, state, or local lease, permit, license, approval, or other authorization issued after the effective date of sanctuary designation (15 CFR 922.49). Such approval is known as an "authorization."

**APPENDIX B**  
**GENERIC PERMIT APPLICATION FORM**



**National Marine Sanctuary Program**  
**PERMIT APPLICATION FORM**

The National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*) directs the Secretary of Commerce to designate and manage areas of the marine environment with nationally significant aesthetic, ecological, historical, or recreational values as national marine sanctuaries. The National Marine Sanctuary Program has issued regulations to implement this act (15 CFR Part 922). These regulations exist to safeguard resources within sanctuary boundaries and include prohibitions on the conduct some activities. Program regulations also give the NMSP authority to issue permits to allow certain activities beneficial to sanctuaries that would otherwise be prohibited.

Guidelines on applying for permits are given in “Guidelines For Submitting Applications For National Marine Sanctuary Permits And Authorizations,” to which this form is an appendix. Applicants are responsible for reviewing and understanding the guidelines in their entirety to ensure all application requirements are met. This form does not and is not meant to replace the guidelines, but is instead provided to assist potential applicants in gathering and submitting the information required for most permits. Some permits may require more or less information; applicants should consult the guidelines for details. This form is provided for the convenience of applicants only and is not required.

Completed applications should be submitted to the appropriate sanctuary(s) in which the activity is proposed to take place. This contact information is included in the guidelines.

Anyone conducting prohibited activities without a valid national marine sanctuary permit or authorization may be subject to the penalties as provided under Section 307 of the National Marine Sanctuaries Act.

Public Reporting Burden

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to NMSP regulations (15 CFR part 922). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any possible detrimental environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the NMSP is able to use permitting as one of the management tools to protect sanctuary resources and qualities.

Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual’s privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

Public reporting burden for this collection of information is estimated to average one (1) hour per response (e.g., initial application, cruise log, final report), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to National Permit Coordinator, NOAA National Marine Sanctuary Program, 1305 East-West Highway (N/ORM6), 11th Floor, Silver Spring, MD, 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

**A. APPLICANT AND PROJECT INFORMATION**

Project Title:

Sanctuary(s):

Applicant Information:

Name:  
Affiliation:  
Department:  
Mailing address (*include street or post office box, city, state, and zip code*):

Phone number:  
Fax number:  
E-mail address:

Secondary (co-applicant) information (if applicable):

Name:  
Affiliation:  
Department:  
Mailing address (*include street or post office box, city, state, and zip code*):

Phone number:  
Fax number:  
E-mail address:

Name(s) of any other individuals authorized to conduct activities under this permit:

Name(s):  
Affiliation(s):

Project abstract: (*approximately 250 words*)  
*Include summary of objectives, methods, and project significance.*

Project rationale:  
*Describe the issue to be investigated, its importance and relevance to the sanctuary, and why it is necessary to be conducted in the sanctuary.*

Activity objectives:

*When appropriate, include the specific hypothesis to be tested.*

Intended use of results:

## **B. METHODS**

Proposed location of activity:

*When appropriate, include geographic coordinates of activity in decimal degrees or degrees, minutes, seconds. Explain whether coordinates notate sampling point(s), boundary points, or a central point and associated radius. Indicate whether the work will take place in any sanctuary marine zones (if so, complete section G).*

Procedures:

*Explain the methods and protocols to be employed in the field. Include descriptions and diagrams of any instrumentation or equipment to be used and deployment duration. Describe all phases of activity, including equipment removal. Include activity frequency (e.g., daily, monthly) as appropriate.*

Collections: *(when applicable)*

*Describe the type, size, and quantity of specimens or materials to be collected, sampled, or captured. Include collection methods, handling, frequency, and replicates required for each experiment. If aware that specimens of the proposed types already exist in a repository, explain why additional collecting is necessary. Provide scientific nomenclature where possible. Provide information on all other applicable federal or state permits where required.*

Project schedule:

*Describe overall project schedule along with requested permit dates:*

Requested permit start date:

Requested permit stop date:

Project budget:

*Briefly outline expenses associated with this activity. Provide contract number, performance period, and name of sponsoring agency, as applicable.*

**C. PRODUCTS**

*Describe expected publications or reports, proposed disposition of collected specimens, and any data to be generated as part of this project.*

**D. LITERATURE CITED IN THIS APPLICATION**

**E. QUALIFICATIONS OF PERMITTED PERSONNEL**

**F. ENVIRONMENTAL IMPACTS OF ACTIVITY**

**G. SUPPORTING DOCUMENTATION AND SPECIAL CONCERNS**

Coordination with other research/activities:

Copies of other permits:

*List all permits required from other agencies for the proposed project. Indicate date the permit was acquired or application was submitted. Attach/submit other permits or applications.*

Requests for NMSP assistance:

Activities in marine zones:

*For any activity or portion of activity proposed to take place in marine zones, describe why it is necessary to conduct this activity in a particular zone and how it will further the scientific understanding and/or management of the zone or sanctuary.*

**APPENDIX C  
SANCTUARY PERMITTING CONTACTS**

For further information on NMSP permits, contact the national office or appropriate sanctuary contacts listed below. Applications for permits and authorizations should be sent only to the sanctuary office(s) in which the proposed activity is to take place.

**NATIONAL MARINE SANCTUARY PROGRAM**

[www.sanctuaries.noaa.gov](http://www.sanctuaries.noaa.gov)

National Permit Coordinator  
1305 East-West Highway (N/ORM6)  
Silver Spring, MD 20910-3282  
301-713-3125, x117  
Fax: 301-713-0404

**FLORIDA KEYS NATIONAL MARINE SANCTUARY**

[www.floridakeys.noaa.gov](http://www.floridakeys.noaa.gov)

Superintendent  
P.O. Box 500368  
Marathon, FL 33050  
305-743-2437  
Fax: 305-743-2357

**CHANNEL ISLANDS NATIONAL MARINE SANCTUARY**

[www.channelislands.noaa.gov](http://www.channelislands.noaa.gov)

Superintendent  
113 Harbor Way  
Santa Barbara, California 93109  
805-966-7107  
Fax: 805-568-1582

**FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY**

[www.flowergarden.noaa.gov](http://www.flowergarden.noaa.gov)

Superintendent  
216 W. 26th Street, Suite 104  
Bryant, TX 77802  
979-779-2705  
Fax: 979-779-2334

**CORDELL BANK NATIONAL MARINE SANCTUARY**

[www.cordellbank.noaa.gov](http://www.cordellbank.noaa.gov)

Superintendent  
PO Box 159  
Olema, CA 94950  
415-663-0314  
Fax: 415-663-0315

**GRAY'S REEF NATIONAL MARINE SANCTUARY**

[www.graysreef.noaa.gov](http://www.graysreef.noaa.gov)

Superintendent  
10 Ocean Science Circle  
Savannah, Georgia 31411  
912-598-2345  
Fax: 912-598-2367

**FAGATELE BAY NATIONAL MARINE SANCTUARY**

[www.fagatelebay.noaa.gov](http://www.fagatelebay.noaa.gov)

Superintendent  
P.O. Box 4318  
Pago Pago, American Samoa 96799  
011-684-633-7354  
Fax: 011-684-633-7355

**GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY**

[www.farallones.noaa.gov](http://www.farallones.noaa.gov)

Superintendent  
Fort Mason, Building #201  
San Francisco, California 94123  
415-556-3509  
Fax: 415-556-1660

**MONITOR NATIONAL MARINE  
SANCTUARY**

[www.monitor.noaa.gov](http://www.monitor.noaa.gov)

Superintendent  
c/o The Mariner's Museum  
100 Museum Drive  
Newport News, VA 23606  
757-591-7350  
Fax: 757-591-7353

**MONTEREY BAY NATIONAL MARINE  
SANCTUARY**

[www.montereybay.noaa.gov](http://www.montereybay.noaa.gov)

Superintendent  
299 Foam Street  
Monterey, CA 93940  
831-647-4201  
Fax: 831-647-4250

**NORTHWESTERN HAWAIIAN  
ISLANDS CORAL REEF ECOSYSTEM  
RESERVE**

<http://hawaiireef.noaa.gov/>

Acting Superintendent  
6600 Kalaniana'ole Hwy, #300  
Honolulu, HI 96825  
808-397-2660  
Fax: 808-397-2662

**OLYMPIC COAST NATIONAL  
MARINE SANCTUARY**

[www.olympiccoast.noaa.gov](http://www.olympiccoast.noaa.gov)

Superintendent  
138 West First Street  
Port Angeles, WA 98362  
360-457-6622  
Fax: 360-457-8496

**STELLWAGEN BANK NATIONAL  
MARINE SANCTUARY**

[www.stellwagen.noaa.gov](http://www.stellwagen.noaa.gov)

Superintendent  
175 Edward Foster Road  
Scituate, MA 02066  
781-545-8026  
Fax: 781-545-8036

**THUNDER BAY NATIONAL MARINE  
SANCTUARY AND UNDERWATER  
PRESERVE**

[www.thunderbay.noaa.gov](http://www.thunderbay.noaa.gov)

Superintendent  
145 Water Street  
Alpena, Michigan 49707  
989-356-8805  
Fax: 989-354-0144

## **APPENDIX D OVERFLIGHT AUTHORIZATIONS**

Overflights of aircraft below 1000 feet are prohibited by NMSP regulations in the following locations in order to protect certain seabird and marine mammal habitats from disturbance:

- A. Within one nautical mile of any of the islands within the Channel Islands National Marine Sanctuary.
- B. Within one nautical mile of the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance within Gulf of the Farallones National Marine Sanctuary.
- C. Within four prescribed zones of the Monterey Bay National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.132(a)(6).

In addition, overflights below 2000 feet altitude are prohibited within four prescribed zones of the Olympic Coast National Marine Sanctuary as defined in sanctuary regulations at 15 CFR Part 922.152(a)(6).

In addition to the standard guidance for NMSP permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting overflight of aircraft in the Channel Islands, Gulf of the Farallones, Monterey Bay, or Olympic Coast national marine sanctuaries:

**Project rationale** – In the rationale, describe why it is preferable that the low-altitude overflight occur within an overflight restriction zone(s) of the sanctuary.

**Methods** – The methods description should also include:

- A. The intended start date, frequency, anticipated duration of the activity, and hours of flight operations;
- B. The number and type of aircraft to be used (make and model), including aircraft markings and tail numbers;
- C. The lowest planned flight altitude;
- D. The flight plan and schedule, including detailed flight patterns (repeat transects, circling, hovering, diving, etc.), refueling plan, and landing/takeoff locations;
- E. Any special equipment that will be mounted on, lowered, or towed from the aircraft, and any object planned for release from the aircraft;
- F. A communications plan that identifies call signs and frequencies for all aircraft and project participants.

**Qualifications** – Applicant must provide a copy of a current Federal Aviation Administration (FAA) pilot's license and FAA medical certificate for each pilot operating aircraft as part of the proposed activity within the sanctuary.

All other guidance for NMSP permit applications, including procedures, timelines, and points of contact, apply to aircraft overflight permit and authorization requests.

## **APPENDIX E**

### **MONTEREY BAY NMS FIREWORKS AUTHORIZATIONS**

Monterey Bay National Marine Sanctuary (MBNMS) regulations prohibit the discharge or deposition of any material into the waters of the sanctuary (except for specific material exempted in the regulations). In addition, the regulations prohibit the discharge or deposition of any material outside the boundary of the sanctuary that subsequently enters the sanctuary and injures a sanctuary resource or quality (except for specific material exempted in the regulations). Both prohibitions can be found in MBNMS regulations (15 CFR Part 922, Subpart M).

Pyrotechnic devices detonated over or near the ocean produce "fallout" or residue that falls directly into the water or is carried to the water by winds. Deposition of such matter is a violation of sanctuary regulations governing discharges unless written authorization is issued by the NMSP. The sanctuary program is interested in documenting the type, concentration, and mass of chemicals and material entering the water as a result of exploding rockets or shells. For the above reasons, any individual or organization sponsoring a fireworks display that will affect the MBNMS must apply for sanctuary authorization to conduct such activity.

#### **Definitions**

The following definitions apply to MBNMS fireworks authorizations guidance:

- A. Aerial shell - a pyrotechnic device launched or fired into the air
- B. Contractor - a state licensed pyrotechnic exhibitor
- C. Display - fireworks display
- D. Fireworks display - a demonstration of pyrotechnic devices requiring a state operator's license
- E. Impact area - perimeter in which aerial shells explode or detonate and deposit debris
- F. Organization sponsor - the party responsible for initiating and/or contracting the fireworks display
- G. Pyrotechnic device - any device containing a combustible substance that is designed to ignite or explode, creating a visual and/or audible effect (includes aerial shells and ground devices)
- H. Shell - aerial shell

#### **Applications**

Application for sanctuary authorization to conduct a fireworks display should be submitted by the person (individual) who will assume full supervisory responsibility for the event. An individual will be named in the authorization document in order to identify a sole point of contact for the event. Authorization must be requested by a member of the organization sponsoring the event - not by the contractor performing the fireworks display.

Applicants for MBNMS fireworks authorizations are not required to submit the standard application information described in section III of the standard NMSP permit application guidelines. Instead, the request may be in letter form and should provide a full description of the

agenda, procedures, and pyrotechnic devices associated with executing the display. The letter should include, but is not limited to:

- A. The general location where the fireworks display will occur;
- B. The date and time that the display will occur;
- C. The duration of the display;
- D. A description of the purpose for (event related to) the display;
- E. Anticipated effects of the display on the sanctuary or sanctuary resources;
- F. Name, address, and phone number of the sponsor and authorization holder;
- G. Name, address, and state license number of the company or party that will actually handle and ignite pyrotechnic devices;
- H. A common-name description of each type of pyrotechnic device to be ignited or launched;
- I. A description of the contents, dimensions, and weight of each type of pyrotechnic device to be ignited or launched;
- J. A description of the chemical elements (and respective volumes) present in each type of pyrotechnic device to be ignited or launched;
- K. The number of aerial shells that will be launched;
- L. A description of the range and detonation altitude of each shell type;
- M. The exact location at which pyrotechnic devices will be ignited or launched;
- N. A description of the impact area (a map of the impact area is acceptable).

In addition, copies of the following documents are required as part of the application:

- A. Local fire marshal permit
- B. Applicable city and county use permits
- C. Certificate of comprehensive general liability insurance covering the display sponsor against damages caused by the fireworks display
- D. U.S. Coast Guard marine events permit if the fireworks display will occur over the water or will in any way affect navigation
- E. Any other relevant permits.

If fireworks are to be ignited or launched from an offshore platform, the details of such operation must be included in the authorization request. The MBNMS sanctuary superintendent may request additional information as needed to consider any authorization request.

All other guidance for NMS permit applications, including procedures and timelines, apply to MBNMS fireworks authorization requests.

## **APPENDIX F**

### **MONTEREY BAY NMS CONSTRUCTION AUTHORIZATIONS**

Authorizations for construction activities in Monterey Bay National Marine Sanctuary (MBNMS) may be issued by the sanctuary superintendent under special circumstances for construction activities otherwise prohibited by sanctuary regulations if 1) an activity has been authorized by a valid lease, permit, license, approval or other authorization issued after the effective date of sanctuary designation by any federal, state, or local authority of competent jurisdiction; 2) the superintendent finds that the activity will not cause long-term or severe impacts to sanctuary resources, and 3) the applicant complies with all applicable regulations and any specific conditions/terms specified by the superintendent.

In addition to the standard guidance for NMSP permit applications given in this document, the following additional guidance applies for any application for a sanctuary permit or authorization requesting construction in MBNMS:

**Methods** – The methods description should clearly describe the rationale behind selecting the proposed construction methods over any alternative methods.

**Supporting Documentation and Special Concerns** – Ensure the following is also included:

- A. A map showing the proposed study or project location(s) and a description of the habitat at the project site. If not to scale, maps must be annotated to describe depth and planned dimensions of the constructed/installed object and the impact area. Maps should also indicate the position of the mean-lower-low-water and mean-high-water lines relative to the project site and the survey data used to define these lines.
- B. A copy of the construction plan to include comprehensive, detailed descriptions of methods and procedures for accomplishing various tasks (e.g. type of equipment to be used, installation techniques, materials, etc.)
- C. Details concerning any maintenance or future modifications associated with the project.

All other guidance for NMSP permit applications, including procedures, timelines, and points of contact, apply to MBNMS construction authorization requests.

**APPENDIX G  
FLORIDA KEYS NMS BAITFISH PERMITS**

Florida Keys National Marine Sanctuary (FKNMS) baitfish permits allow the permit holder to catch baitfish in certain Sanctuary Preservation Areas (SPAs) using a cast net or modified lampara net.

FKNMS baitfish permits are issued free of charge and last for one calendar year. Baitfish permits are issued to an individual and may be used on more than one vessel, but may not be used by more than one person.

Applicants for FKNMS baitfish permits are not required to submit the standard application information described in section III of the standard NMSP permit application guidelines. Instead, the request should include:

- A. Applicant name, mailing address, and telephone number;
- B. Boat name(s) and documentation numbers, when known.

This information may be submitted by telephone by calling the individual listed below, or in writing via fax, email, courier, or regular mail.

All baitfish permit holders are required to maintain a catch log (attached) and submit this log upon expiration of their permit. An electronic version of this log is available at [www.floridakeys.noaa.gov](http://www.floridakeys.noaa.gov) or can be obtained from the sanctuary point-of-contact. The log should be filled out and mailed to the contact person within thirty (30) days before the permit expires. Please use the following codes for the SPA name on the log:

<u>SPA Name</u>	<u>Code</u>	<u>SPA Name</u>	<u>Code</u>
Carysfort/South Carysfort	CAR	Cheeca Rocks	CHE
The Elbow	ELB	Alligator Reef	ALL
Dry Rocks	KYL	Coffins Patch	COF
Grecian Rocks	GDR	Sombrero Key	SOM
French Reef	FRE	Newfound Harbor Key	NHK
Molasses Reef	MOL	Looe Key	LKS
Conch Reef	CON	Eastern Dry Rocks	EDR
Hen and Chickens	HNC	Rock Key	RKK
Davis Reef	DAV	Sand Key	SAN

Point-of-contact for FKNMS baitfish permits is: Submit a copy of this log between Dec. 1-31 to:  
 Permit Coordinator  
 Florida Keys National Marine Sanctuary  
 P.O. Box 500368  
 Marathon, FL 33050  
 305-743-2437  
 Fax: 305-743-2357  
 Email: [Joanne.Delaney@noaa.gov](mailto:Joanne.Delaney@noaa.gov)  
 Permit Coordinator  
 FKNMS  
 P. O. Box 500368  
 Marathon, FL 33050  
 Fax: 305-743-2357